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C.8.2004

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

WRIT PETITION NO.1759 OF 2004

PETITIONERS :

1. Ku. Nisha Shrivas, D/O Shri Basant Lal Shrivas, Aged about 28 years, R/O Railway Colony, Baradwar, Tehsil Sakti, District Janjgir – Champa (Chhattisgarh).

Awanish Tiwari, S/O Shri Dinesh Tiwari, Aged about 31 years, R/O Baradwar, Tehsil Sakti, District Janjgir – Champa (Chhattisgarh).

P. R. No. 1751/04
Presented by Shri H.S. Patel
dated 25-6-04

Versus

RESPONDENTS :

1. State of Chhattisgarh,
Through its Secretary, Department of Urban Development and Administration, Mantralaya, D.K.S. Building, Raipur (Chhattisgarh).

2. Nagar Panchayat Naya Baradwar,
Through its Chief Municipal Officer, District Janjgir – Champa (Chhattisgarh).

3. The Collector,
Janjgir – Champa,
District Janjgir – Champa (C.G.).

4. Ku. Bharti Pandey, D/O R.G. Pandey, R/O Naya Baradwar, Tehsil Sakti, District Janjgir – Champa (Chhattisgarh).

5. Ramsaran Yadav, S/O Vishnu Ram Yadav, R/O Baradwar, Tehsil Sakti, District Janjgir – Champa (Chhattisgarh).

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Clerk to A.G. Bilaspur
29/6/04

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6. Tiket Ram Suryavanshi, S/O Guha Ram, R/O Village Bhagodih, Tehsil Sakti, District Janjgir – Champa (Chhattisgarh).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Amended as per Hon'ble Court Order 3/8/2004

20/8/2004

RES.NO.7 Director, Panchayat,
Government of Chhattisgarh,
RAIPUR. (C.G.).

(112)

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 1759/04

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	9.9.2005 Petitioner by Shri Sameer Behar, Advocate. Respondents No. 1, 3 and 7 by Shri Pankaj Shrivastava, Panel lawyer. Respondent No.2 by Shri Sanjay K. Agarwal, Advocate. Respondent No.4 by Shri Shailesh Ahuja, Advocate. Heard. Learned counsel for the petitioner submits that in W.P.No. 538/2001, filed by the present petitioner, this Court vide order dated 11.12.2003 granted liberty to file proper appeal/revision before the Director, Panchayats and the petition was permitted to be withdrawn with the said liberty. Thereafter, the revision was preferred by the petitioner before the Director, Panchayat but vide order dated 28.5.2004 (Annexure P/1) passed in Revision Case No. 41/A 89/2003-04, the Director, Panchayat, Chhattisgarh, Raipur declined to entertain the revision on the ground that he had no jurisdiction. The petitioner has filed the present petition impugning the order dated 28.5.2004 as also the order dated 25.10.1999 passed by the Collector, Janjgir in Appeal No. 39/A 89 (15)/98-99 (Annexure P/2). In the earlier petition the order dated 25.10.1999 was under challenge. The present petition challenges the same order also.	

(113)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 1759/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submits that a direction may be issued to the concerned authority namely Director/Commissioner, Urban Administration and Development, State of Chhattisgarh to decide the revision/appeal against the order dated 25.10.1999 passed by the Collector, Janjgir.

Learned counsel for the respondents have no objection to the aforesaid limited prayer made by learned counsel for the petitioner.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the interest of justice, the petitioner is permitted to file a revision/appeal challenging the order dated 25.10.1999 passed by the Collector Janjgir in Appeal No. 39/A 89(15)/98-99 within a period of 15 days from today before the Director/Commissioner, Urban Administrative and Development, State of Chhattisgarh. The said authority shall decide the revision/appeal preferred by the petitioner on merits, in accordance with law, within a period of six weeks from the date of its presentation, without raising any technical objection.

If the revision/appeal is filed, the matter may be taken up for hearing on 27th September, 2005, when all the parties will remain present.

(114)

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 1759/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The petitioner will serve a copy of the revision/appeal on all the parties, well in advance, not later than 25.9.2005. The interim order granted on 3.8.2004 in this petition shall continue for a period of eight weeks from today. With the above observations and directions this petition stands disposed of finally. Certified copy, as per Rules. **Sd/-** **Satish K. Agnihotri** **Judge**	

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